

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-cr-00300

JOSEPH LEE HARPER,
a.k.a. Nephew, a.k.a.
Duke, a.k.a. Kevin Meyers

MEMORANDUM OPINION AND ORDER

Pursuant to this court's earlier Order, (ECF No. 26), a jury trial was set in this case for June 16, 2020, and proposed voir dire questions, jury instructions, and witness lists were due by June 9, 2020. The court hereby **ORDERS** that the jury trial be **CONTINUED** to July 14, 2020, at 9:30 a.m. in Charleston. Proposed voir dire questions, jury instructions, and witness lists are due to the court by July 7, 2020.

Pursuant to the General Order #6 issued by Chief Judge Thomas E. Johnston on May 22, 2020, the court has been directed to continue all criminal jury trials in the Southern District of West Virginia through June 30, 2020. See In Re: Court Operations in Light of the Exigent Circumstances Presented by the COVID-19 Pandemic, No. 2:20-mc-00052 (S.D.W. Va. May 22, 2020) (Johnston, C.J.). In ordering the continuance of defendant's trial in this matter, the court finds that due to the current danger to the public health caused by COVID-19, the ends of justice served by ordering the continuance outweigh the

interests of the public and the defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). In so finding, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that a failure to order this continuance "would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice." Id. § 3161(h)(7)(B)(i).

Accordingly, the court hereby **ORDERS** as follows:

- I. Proposed Jury Instructions, Proposed Voir Dire, and Proposed Witness Lists are due to the court by **July 7, 2020;**
- II. Trial of this action is continued until **July 14, 2020, at 9:30 a.m. in Charleston;**
- III. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from June 16, 2020, to the new trial date of July 14, 2020, is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 3rd day of June, 2020.

ENTER:



David A. Faber
Senior United States District Judge